

381.9195 Other liens affecting the condominium.

- (1) Except as provided in subsection (2) of this section, a judgment for money against the association, if recorded, shall not be a lien on the common elements but shall be a lien in favor of the judgment lienholder against all of the units in the condominium at the time the judgment was entered. No other property of a unit owner shall be subject to the claims of creditors of the association.
- (2) If the association has granted a lien or security interest in the common elements to a creditor of the association pursuant to KRS 381.9185, the holder of that lien or security interest shall exercise its right against the common elements before its judgment lien on any unit may be enforced.
- (3) Whether perfected before or after the creation of the condominium, if a lien other than a mortgage, including a judgment lien or lien securing the obligation to pay for work performed or materials supplied before creation of the condominium, becomes effective against two (2) or more units, the unit owner of an affected unit may pay to the lienholder the amount of the lien attributable to his or her unit, and the lienholder, upon receipt of payment, shall promptly deliver a release of the lien covering that unit. The amount of the payment shall be proportionate to the ratio which that unit owner's common expense liability bears to the common expense liabilities of all unit owners whose units are subject to the lien. After payment, the association shall not assess or have a lien against that unit owner's unit for any portion of the common expenses incurred in connection with that lien.
- (4) A judgment against the association shall be indexed in the name of the condominium and the association and, when so indexed, shall be notice of the lien against the units.

Effective: January 1, 2011

History: Created 2010 Ky. Acts ch. 97, sec. 48, effective January 1, 2011.